

EXHIBIT 1

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

ROSIE MARSHALL, et al.,

Plaintiffs,

v.

LIBERTY NATIONAL LIFE
INSURANCE COMPANY,

Defendant.

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CIVIL ACTION NO. 2:05-cv-534-B

AFFIDAVIT OF ANTHONY McWHORTER

STATE OF ALABAMA)
 :
JEFFERSON COUNTY)

Before me, the undersigned notary public in and for said county and state, personally appeared Anthony McWhorter, who, being by me first duly sworn, deposes and says as follows:

1. My name is Anthony McWhorter. I have been employed by Liberty National Life Insurance Company since 1972. I am currently President and CEO of Liberty National Life Insurance Company. I have held the position of CEO since September, 1999, and the position of President since December 1994. Before that, I was Vice President and Chief Actuary of Liberty National from May 1987 to December 1994, with promotions to Senior Vice President and Chief Actuary and Executive Vice President and Chief Actuary during that time. For many years before that, I held other actuarial positions with Liberty National. I received a B.S. degree in Mathematics from the University of Alabama in 1972, and a Graduate Masters degree in Actuarial Science from Northeastern University in 1974. This Affidavit is based upon my personal knowledge and the business records of Liberty National Life Insurance Company.

2. Liberty National is an Alabama corporation. Since 1929, it has maintained its headquarters and principal place of business in Birmingham, Alabama.

3. Liberty National employs more people in the Northern District of Alabama than any other federal district in Alabama. Issues related to product design, development, and prices are the responsibility of Liberty National's Actuarial Department, which is located in Jefferson County, Alabama. All officers of Liberty National located in Alabama are located in Jefferson County, Alabama. All officers of Liberty National responsible for marketing and training are located in Liberty National's Birmingham office.

4. The vast majority of Liberty National's documentary evidence in this case will be located at the company's Birmingham headquarters.

5. In my position as President and CEO, I am generally familiar with the case of *Moore v. Liberty National Ins. Co.*, CV-99-C-3262-S, currently pending in the Northern District of Alabama. True and correct copies of the Class Action Complaint, First Amended Class Action Complaint, Second Amended Class Action Complaint, and Third Amended Class Action Complaint in that matter are attached to this affidavit as Exhibits A, B, C, and D, respectively. A true and correct copy of the Orders by the Northern District of Alabama consolidating *Moore v. Liberty National Life Insurance Co.*, Case No. CV-99-C-3262-S (N.D. Ala.), *Adams v. Liberty National Life Insurance Co.*, Case No. CV-02-C-0454-W, *Hull v. Liberty National Life Insurance Co.*, Case No. CV-02-C-0219-W, *Hudson v. Liberty National Life Insurance Co.*, Case No. CV-02-AR-0719-S, *Wilkins v. Liberty National Life Insurance Co.*, Case No. CV-02-BU-0576-S, *Sunday v. Liberty National Life Insurance Co.*, Case No. CV-02-BE-639-S, *Brown v. Liberty National Life Insurance Co.*, Case No. CV-02-BE-0718-S, *Gray v. Liberty National Life Insurance Co.*, Case No. CV-02-PWG-903-S, *Williams v. Liberty National Life Insurance*

Co., Case No. CV-02-BE-0717-S, *Betton v. Liberty National Life Insurance Co.*, Case No. CV-02-C-946-S, *Morgan v. Liberty National Life Insurance Co.*, Case No. 02-C-1498-S, *Arnold v. Liberty National Life Insurance Co.*, Case No. 02-C-1619-S, *Bass v. Liberty National Life Insurance Co.*, Case No. 03-CV-BE-2335-S, and *Edwards v. Liberty National Life Insurance Co.*, Case No. 04-H-0620-S are attached to this affidavit as collective Exhibit E. True and correct copies of Judge Clemon's orders establishing a master docket and case file under the caption: "In re Liberty National Insurance Cases", with master case number CV-02-C-2741-S, are attached to this affidavit as collective Exhibit F.

6. I have been advised of the two sets of document requests served on Liberty National on behalf of the plaintiffs in the *Moore* case. Copies of those document requests are attached to my affidavit collectively as Exhibit G. The requests seek information from the 1930s to present about Liberty National's insurance business. Liberty National's responses to those requests were voluminous. It would be extraordinarily burdensome for Liberty National to produce the same or similar documents in numerous judicial districts. Because of the volume of records, the records will be made available to plaintiffs' counsel in the consolidated "In re Liberty National Insurance Cases" pursuant to the Case Management Order governing discovery in the consolidated matters. *See* Exhibit F to this Affidavit.

I have read the foregoing affidavit and swear it is true and correct.


Anthony McWhorter

Sworn to and subscribed before me this the 23 day of June, 2005.

Linda H. Holcomb

Notary Public

My Commission expires: 2-2-08

[SEAL]